

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD R. COSS, JR.,	:	CIVIL ACTION NO. 1:CV-01-0878
	:	
Petitioner	:	(Judge Caldwell)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
JAMES P. MORGAN, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this th13 day of **October, 2004**, petitioner having paid the \$5.00 filing fee,¹ **IT IS HEREBY ORDERED** that:

1. The Clerk is directed forthwith to serve a copy of the petition and the amended petition (Docs. 1 and 24), together with this Order, by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Lackawanna County, Pennsylvania.

2. Respondents, within twenty (20) days of the date of this Order, shall respond to the petition for writ of habeas corpus in the manner required by Rule 5, 28 U.S.C.A. foll.

§2254:

The answer shall respond to the allegations of the petition.
In addition it shall state whether the petitioner has exhausted his

¹Petitioner has also filed an application for leave to proceed *in forma pauperis* (Doc. 2). In light of his payment of the filing fee, said application is rendered moot.

state remedies including any post-conviction remedies available to him under the statutes or procedural rules of the state and including also his right of appeal both from the judgment of conviction and from any adverse judgment or order in the post-conviction proceeding. The answer shall indicate what transcripts (of pretrial, trial, sentencing, and post-conviction proceedings) are available, when they can be furnished, and also what proceedings have been recorded and not transcribed. There shall be attached to the answer such portions of the transcripts as the answering party deems relevant. The court on its own motion or upon request of the petitioner may order that further portions of the existing transcripts be furnished or that certain portions of the non-transcribed proceedings be transcribed and furnished. If a transcript is neither available nor procurable, a narrative summary of the evidence may be submitted. If the petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of the petitioner's brief on appeal and of the opinion of the appellate court, if any, shall also be filed by the respondent with the answer.

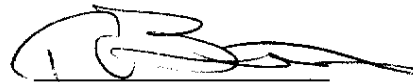
3. Respondent shall also file a Brief in support of its response to the Petition.

4. A determination as to whether there will be a hearing will be made after the filing of a response.

5. Petitioner may, if he so desires, file a reply to the response within ten (10) days of its filing.

6. The Clerk is directed to note the address of the District Attorney of Lackawanna County, Pennsylvania, on the docket in this case. All documents filed by the parties and by the Court shall be served upon the District Attorney.

7. The Clerk of Court is further directed to provide both Petitioner and Respondent with a Notice and Consent to the Jurisdiction of a Magistrate Judge.

A handwritten signature in black ink, appearing to read 'T. M. Blewitt', with a horizontal line underneath.

THOMAS M. BLEWITT
United States Magistrate Judge

Dated: October 13, 2004